## Fiscal Estimate - 2007 Session

|         | Original   |   | Updated                              |                       | Corrected                   |   | Supplemental               |
|---------|--|---|--------------------------------------|-----------------------|-----------------------------|---|----------------------------|
| LRB     | Number   | 07-3010/1                                     |                                      | Introdu               | ction Num                   | ber S                                     | B-278                      |
|         |  | nmitting battery                              | against certain er                   | mployees of           | first class citie           | s and pro                                 | viding a penalty           |
| Fiscal  | B Number 07-3010/1 Introduction Number SB-278  ceription eatening or committing battery against certain employees of first class cities and providing a penalty  cal Effect  de:  No State Fiscal Effect  Increase Existing     Appropriations     Decrease Existing     Appropriations     Decrease Existing     Appropriations     Create New Appropriations  Create New Appropriations  Increase Existing     Revenues     Decrease Costs  Decrease Costs  Decrease Costs  Decrease Costs |   |                                      |                       |                             |   |                            |
|         | Indeterminate Increase Appropria Decrease Appropria  | e<br>Existing<br>itions<br>Existing<br>itions | Revenue<br>Decreas<br>Revenue        | e Existing            | to abs                      | orb within                                | n agency's budget          |
|         | Indeterminat  1. Increas Permiss  2. Decrea  | e<br>e Costs<br>sive∭Mandato<br>se Costs      | 3. Increase bry Permissi 4. Decrease | ve Manda<br>e Revenue | Govern □ To atory □ Co □ So | nment Un<br>wns [<br>ounties [<br>chool [ | Village Cities Others WTCS |
| <b></b> |  |   | PRS SEC                              | G SEG                 |                             | . 20 App                                  | ropriations                |
|         | <b>cy/Prepared</b><br>Mark Rinehar   | <b>By</b><br>rt (608) 264-946                 |                                      | t <b>horized Sig</b>  | gnature<br>(608) 264-9463   |   | <b>Date</b> 2/11/2008      |

## Fiscal Estimate Narratives DOJ 2/11/2008

| LRB Number <b>07-3010/1</b>       | Introduction Number SE    | 8-278 Estimate Type            | Original         |
|-----------------------------------|---------------------------|--------------------------------|------------------|
| Description                       | N 2 1 W.                  |                                |                  |
| Threatening or committing battery | against certain employees | of first class cities and prov | viding a penalty |

## **Assumptions Used in Arriving at Fiscal Estimate**

Generally, while it is a crime to intentionally cause or threaten to cause bodily harm to an employee of a first class city other than a law enforcement officer or fire fighter, the crime is not a felony. Under Senate Bill 278, if a person knowingly and intentionally causes or threatens to cause bodily harm to an employee of a first class city other than a law enforcement officer or fire fighter while the employee is acting in an official capacity, or in response to any official action by the employee, the person is guilty of a Class H felony.

Felony prosecutions are generally handled by local district attorneys. However, on occasion, district attorneys across Wisconsin request assistant attorneys general in the Department of Justice's Criminal Litigation Unit to act as special prosecutors. In addition, the Department of Justice's Criminal Appeals Unit represents the State of Wisconsin in defending felony convictions when those convictions are challenged in state or federal court. Under Wisconsin law, this unit is charged with preparing briefs and presenting arguments in front of any state appellate or federal court hearing a challenge to a felony conviction.

It is likely that the enactment of Senate Bill 278 will result in an increased caseload for the department's Criminal Litigation and Criminal Appeals Units. However, the department is not aware of any data that would accurately predict the number of cases it would prosecute or handle on appeal in any given year under the provisions of SB 278. If the number of new cases DOJ is asked to prosecute, or DOJ is required to handle on appeal, is significant, the department will need additional resources to handle its increased caseload.

**Long-Range Fiscal Implications**